

## Exhibit "A"

June 16, 2016

Mayor & City Council  
County-City Building  
Lincoln, Nebraska 68508

RE: Report of Claims Against the City of Lincoln for June 1 through June 15, 2016

Dear Mayor & Council:

The following is a report of claims against the City of Lincoln which have been disposed of, or are pending, for the period of June 1 through June 15, 2016. This report will describe the claims and the dispositions or status of these claims.

### **DENIED CLAIMS:**

**Veronique Claudio** filed a claim in the amount of \$100,000.00 for damages incurred as the result of accident involving a Lincoln Fire and Rescue vehicle. This claim has been reviewed by this office and has been **denied**.

**David Harrison** filed a claim during the month of May, 2016, in an unspecified amount for damage allegedly incurred to motorcycle as the result of fallen tree limb. This claim has been reviewed by this office and has been **denied**.

**Mikayla Martin** filed a claim during the month of May, 2016, in the amount of \$3,200.00 for alleged damage incurred to driveway due to tree roots from a City tree. This claim has been reviewed by this office and has been **denied**.

**Lara Eslick** filed a claim during the month of May, 2016, in the amount of \$390.00 for damage allegedly incurred to sprinkler system as the result of snow removal activity. This claim has been reviewed by this office and has been **denied**.

**Donald C. Cox** filed a claim during the month of May, 2016, in the amount of \$472.75 for damage allegedly incurred to vehicle as the result of pothole. This claim has been reviewed by this office and has been **denied**.

### **ALLOWED/SETTLED CLAIMS:**

**Carlos Munguia Vazquez** filed a claim during the month of February, 2015, in an unspecified amount for injuries incurred as the result of accident involving a StarTran bus. This claim has been **settled** by the Risk Management Office in the amount of \$4,835.00.

**Maxine Maret** filed a claim during the month of May, 2016, in the amount of \$3,201.86 for damage incurred to vehicle when a light pole fell on it. This claim has been **allowed** in the amount of \$3,201.86.

**Joseph Straatmann and Briana Hooper** filed a claim during the month of May, 2016, in the amount of \$120.00 for damage incurred to cell phone and other property as the result of action by Lincoln police. This claim has been reviewed by this office and has been **allowed** in the amount of \$120.00.

**Kathy Soto-Day** filed a claim during the month of May, 2016, in the amount of \$278.42 for damage incurred to window of vehicle when struck by rock thrown by City mower. This claim has been reviewed by this office and has been **allowed** in the amount of \$278.42.

**WITHDRAWN CLAIM:**

**Urology P.C.** filed a claim during the month of May, 2016, in the amount of \$577.93 for damage incurred to sprinkler system during construction activity. This claim has been referred to the boring contractor and the claim against the City has been **withdrawn**.

**PENDING CLAIMS:**

**KI and Elizabeth Dayalu** filed a claim during the month of July, 2014, in an unspecified amount for damage incurred to mailbox when it was allegedly struck by a street sweeper. This claim is under review and is **pending**.

**Arbor Day Foundation** filed a claim during the month of August, 2014, in the amount of \$4,594.52 for damage allegedly incurred as the result of water main break that occurred during P Street construction. This claim is under review and is **pending**.

**United Fire & Casualty Company as subrogee of Bouwens Plumbing** filed a claim during the month of August, 2014, in an unspecified amount for damage allegedly incurred to property owned by C Street LLC when water shut off valves installed by Bouwens Plumbing and supplied by Lincoln Water System malfunctioned causing water damage. **C Street LLC** filed a claim during the month of February, 2015, in the amount of \$12,630.90 for damage allegedly incurred to the property. This claim is under review and is **pending**.

**Lynda S. King** filed a claim during the month of September, 2014, in an unspecified amount for alleged injury incurred while claimant was a passenger on a StarTran bus. This claim is under review and is **pending**.

**Steve LaFargue** filed a claim during the month of October, 2014, in the amount of \$500,000 for injury allegedly incurred when claimant was rescued from a burning apartment building by Lincoln Fire and Rescue. This claim is under review and is **pending**.

**Olga Alfonso** filed a claim during the month of December, 2014, in the amount of \$573.98 for cell phone that was allegedly misplaced by a Lincoln police officer. This claim is under review and is **pending**.

**Brett Smith** filed a claim during the month of February, 2015, in an unspecified amount for damages incurred as the result of accident involving a StarTran bus. This claim is under review and is **pending**.

**Dorothy Oreskovich** filed a claim in the amount of \$10,455.00 for damage allegedly incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Minarick Investments LLC** filed a claim during the month of June, 2015, in the amount of \$430.90 for damage allegedly incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Colliers International** filed a claim during the month of July, 2015, in the amount of \$5,912.95 for damage allegedly incurred to water line by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Emily Kline** filed a claim during the month of August, 2015, in an unspecified amount for alleged injury incurred as the result of trip on sidewalk. This claim is under review and is **pending**.

**Antonio Tyrone Williams** filed a claim during the month of September, 2015, seeking compensation in the amount of \$10,800 for alleged loss of employment and wages and mental anguish as the result of his arrest and incarceration. This claim is under review and is **pending**.

**Brenda Bolejack** filed a claim during the month of January, 2016, in an unspecified amount for damage allegedly incurred as the result of interruption of electrical service. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Farmers Mutual as subrogee of Jennifer and Joseph Hennecke** filed a claim during the month of January, 2016, in the amount of \$5,000.00 for damage allegedly incurred to insured's property as the result of sewer backup. This claim is under review and is **pending**.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of February, 2016, in the amount of \$1,229.70 for damage allegedly incurred to underground cable by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Randy Borg** filed a claim during the month of February, 2016, in the amount of \$1,400.00 for damage allegedly incurred to driveway by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of February, 2016, in the amount of \$438.75 for damage allegedly incurred to underground cable by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**European Auto Tech** filed a claim during the month of February, 2016, in the amount of \$96.47 for cleaning expense incurred as the result L.E.S. employee allegedly tracking mud on carpet. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Farmers Mutual of Nebraska as subrogee of Ward Hoppe LLC** filed a claim during the month of February, 2016, in the amount of \$9,693.56 for damage incurred to insured's property when it was struck by a vehicle operated by an individual who was fleeing arrest. This claim is under review and is **pending**.

**Dr. Alex Kallio (Comfort Family Chiropractic)** filed a claim during the month of March, 2016, in the amount of \$2,087.64 for damage allegedly incurred to computer system as the result of interruption in electrical service when ground cable was struck by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Autumn Wood Homeowners Association** filed a claim during the month of March, 2016, in the amount of \$2,500.00 for damage allegedly incurred to sidewalk as the result of fire truck driving over it. This claim is under review and is **pending**.

**Ronald Morrison** filed a claim during the month of March, 2016, in the amount of \$900.00 for damage allegedly incurred to sidewalk as the result of fire truck driving over it. This claim is under review and is **pending**.

**Glenda Masek** filed a claim during the month of March, 2016, in the amount of \$1,475.00 for damage allegedly incurred to sidewalk, sod and sprinklers as the result of fire truck driving over sidewalk and lawn. This claim is under review and is **pending**.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of March, 2016, in the amount of \$438.75 for damage incurred to Time Warner equipment when it was allegedly struck by an L.E.S. vehicle. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Mike Morosin** filed a claim during the month of March, 2016, in the amount of \$31,275.00 for personal property removed from claimant's property by the City. This claim is under review and is **pending**.

**Michael Meyer** filed a claim during the month of March, 2016, in the amount of \$389.26 for damage allegedly incurred to fence by L.E.S. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Alexis Springer** filed a claim during the month of April, 2016, in an unspecified amount for damage allegedly incurred as the result of pothole. This claim is under review and is **pending**.

**Barine Deeza** filed a claim during the month of April, 2016, in the amount of \$1,000,000 for alleged injuries incurred when claimant was arrested. This claim is under review and is **pending**.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of April, 2016, in the amount of \$455.00 for damage allegedly incurred to cable when L.E.S. was installing a pole. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of April, 2016, in the amount of \$438.75 for damage allegedly incurred to cable by L.E.S. subcontractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of May, 2016, in the amount of \$1,844.57 for damage allegedly incurred to cable by L.E.S. contractor. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Jack Sukovaty** filed a claim during the month of May, 2016, in the amount of \$718.70 for damage allegedly incurred as the result of leaking water meter that had been installed by Lincoln Water System. This claim is under review and is **pending**.

**Terry Danek** filed a claim during the month of May, 2016, in the amount of \$28,310.35 for damage allegedly incurred as the result of sewer backup on May 7, 2015. This claim is under review and is **pending**.

**Steve and Barbie Wells** filed a claim during the month of May, 2016, in the amount of \$8,217.00 for damage allegedly incurred as the result of sewer backup on May 9, 2016. This claim is under review and is **pending**.

**Lonnie Soderling** filed a claim during the month of May, 2016, in the amount of \$1,478.19 for damage incurred to vehicle as the result of debris allegedly thrown from a City mower. This claim is under review and is **pending**.

**James and Margaret McFarland** filed a claim during the month of May, 2016, in the amount of \$643.75 for damage allegedly incurred as the result of sewer backup on May 9, 2016. This claim is under review and is **pending**.

**Phoenix Loss Control on behalf of Time Warner** filed a claim during the month of May, 2016, in the amount of \$438.75 for damage allegedly incurred to cable by L.E.S. crew. This claim is **pending** review and ratification by the L.E.S. Administrative Board.

**Lyle R. Johnson** filed a claim during the month of May, 2016, in an unspecified amount for damage incurred to vehicle as the result of accident involving a City vehicle. This claim is under review and is **pending**.

#### **NEW CLAIMS FILED DURING THE PERIOD OF JUNE 1 THROUGH JUNE 15, 2016:**

**Sapps Bros. Petroleum** filed a claim in the amount of \$1,492.64 for damage incurred to trailer when it was struck by a StarTran bus. This claim is under review and is **pending**.

**Kirk Botts** filed a claim in the amount of \$11,500,000.00 alleging his civil rights were violated when he was arrested. This claim is under review and is **pending**.

**Megan Merz** filed a claim in the amount of \$2,835.43 for damage incurred to vehicle as the result of fallen tree branch. This claim is under review and is **pending**.

**Miles Mayer** filed a claim in the amount of \$569.65 for damage allegedly incurred to tire and rim as the result of pothole. This claim is under review and is **pending**.

**Sandra and William Harder** filed a claim in the amount of \$10,280.76 for damage incurred to two properties as the result of sewer back-up on May 9, 2016. This claim is under review and is **pending**.

**Mark Smith** filed a claim in the amount of \$6,869.46 for damage incurred to vehicle when it was struck by a vehicle operated by a party who was fleeing arrest. This claim is under review and is **pending**.

**PENDING TORT LITIGATION:**

**Candace Polfus, individually and on behalf of her minor child, Robert M. Polfus,** filed a claim in February, 2012, in the amount of \$50,000 for alleged injury incurred to Robert Polfus at Uni Pool. This claim was reviewed by this office and denial was approved by the Lincoln City Council on July 30, 2012. Suit has been filed in the Lancaster County Court and litigation is **pending**.

**Leroy Duffie** filed a claim during the month of August, 2012, in the amount of \$200,000 alleging that he was injured during an incident involving Lincoln police. This claim was withdrawn and suit was filed in Lancaster County District Court. The case was transferred to the U.S. District Court and on June 3, 2015, the Court granted summary judgment in favor of the City and Lincoln police officers. Plaintiff has appealed to the U.S. Court of Appeals. Litigation is **pending**.

**Ben and Leigh Lewis on behalf of Nathan Lewis** filed a claim during the month of October, 2012, in the amount of \$220,000 for injury incurred when Nathan Lewis was riding his bicycle on railroad bridge at Wilderness Park and the wheel of his bicycle got caught between two railroad ties causing him to fall. This claim was reviewed by this office and denial was approved by the Lincoln City Council on February 25, 2013. Suit has been filed in the Lancaster County District Court and litigation is **pending**.

**Dawn Amory** filed a claim during the month of November, 2012, in the amount of \$250,000 for alleged injury incurred as the result of trip and fall on sidewalk. This claim was reviewed by this office and denial was approved by the Lincoln City Council on December 17, 2012. Suit was filed in Lancaster County District Court. On August 13, 2015, the District Court granted summary judgment in favor of the City of Lincoln. Plaintiff has appealed to the Nebraska Court of Appeals. Litigation is **pending**.

**Nicole Ulm** filed a claim during the month of April, 2013, in the amount of \$200,000 for alleged damages incurred as the result of an accident involving a vehicle that was being operated by an individual who was fleeing from Police. This claim was withdrawn and suit has been filed in the Lancaster County District Court. Litigation is **pending**.

**John Craw** filed a claim during the month of October, 2012, in the amount of \$200,000 alleging that he was misclassified as an independent contractor and wrongfully terminated from his position as the PGA Professional for the Holmes Golf Course. This claim was reviewed by this office and denial was approved by the Lincoln City Council on November 19, 2012. Suit was filed in the Lancaster County District Court. On October 19, 2015, the District Court granted dismissal in favor of the City of Lincoln. Plaintiff has appealed to the Nebraska Court of Appeals. Litigation is **pending**.

**Elisa O'Dell and John O'Dell** filed a claim during the month of April, 2014, in an unspecified amount for damages incurred as the result of a motor vehicle accident which claimant alleges was caused by malfunctioning traffic signal lights. This claim was reviewed by this office and denial was approved by the Lincoln City Council on April 28, 2014. Suit has been filed in Lancaster County District Court and litigation is **pending**.

**Shayla Funk** filed a claim during the month of March, 2014, in the amount of \$1,200,000 alleging she was falsely arrested and suffered humiliation, inconvenience, mental anguish, loss of wages and earning capacity and damage to her reputation as the result of photographs posted of her on the "Crime Stoppers" website. Suit was filed in the Lancaster County District Court and judgment was found in favor of Plaintiff Shayla Funk. The City of Lincoln has filed an appeal to the Nebraska Court of Appeals. Litigation is **pending**.

**Luevonne Murrell** filed a claim during the month of March, 2015, in an unspecified amount for alleged injury incurred when vehicle that claimant was a passenger in was struck by a City police vehicle. Suit has been filed in the Lancaster County District Court and litigation is **pending**.

**Kejjan Hesso** filed a claim during the month of September, 2014, in the amount of \$100,000.00 for alleged injury incurred as the result of accident involving a StarTran bus. This claim was withdrawn and suit has been filed in the Lancaster County District Court. Litigation is **pending**.

**Nationwide Insurance as subrogee of Donald Flamme** filed a claim during the month of June, 2014, for damage incurred to insured's vehicle and medical benefits paid as the result of accident involving a police vehicle. This claim was reviewed by this office and denial was approved by the Lincoln City Council on November 24, 2014. Suit has been filed in the Lancaster County Court and litigation is **pending**.

**David E. Tarrence and Tamara K. Geis** filed a claim during the month of April, 2015, in the amount of \$2,700,000 for alleged damages resulting from the search of claimants' home and vehicles by Lincoln police. Suit has been filed in U.S. District Court and litigation is **pending**.

Submitted by City Law Department  
c: Risk Management